

§218.182

- (i) Sperm whale (*Physeter macrocephalus*)—10 (an average of 2 annually);
- (ii) Risso's dolphin (*Grampus griseus*)—10 (an average of 2 annually);
- (iii) Bottlenose dolphin (*Tursiops truncatus*)—3,070 (an average of 614 annually);
- (iv) Atlantic spotted dolphin (*Stenella frontalis*)—2,355 (an average of 471 annually);
- (v) Pantropical spotted dolphin (*S. attenuata*)—115 (an average of 23 annually);
- (vi) Striped dolphin (*S. coeruleoalba*)—25 (an average of 5 annually);
- (vii) Spinner dolphin (*S. longirostris*)—115 (an average of 23 annually);
- (viii) Melon-headed whale (*Peponocephala electra*)—10 (an average of 2 annually);
- (ix) Short-finned pilot whale (*Globicephala macrorhynchus*)—5 (an average of 1 annually);
- (x) Clymene dolphin (*S. clymene*)—25 (an average of 5 annually);
- (2) Level A Harassment:
 - (i) Bottlenose dolphin (*Tursiops truncatus*)—10 (an average of 2 annually);
 - (ii) Atlantic spotted dolphin (*Stenella frontalis*)—10 (an average of 2 annually);
 - (iii) Pantropical spotted dolphin (*S. attenuata*)—5 (an average of 1 annually);
 - (ix) Spinner dolphin (*S. longirostris*)—5 (an average of 1 annually).

§218.182 Prohibitions.

Notwithstanding takings contemplated in §218.181 and authorized by a Letter of Authorization issued under §216.106 of this chapter and §218.186, no person in connection with the activities described in §218.180 may:

- (a) Take any marine mammal not specified in §218.181(b);
- (b) Take any marine mammal specified in §218.181(b) other than by incidental take as specified in §218.181(b)(1) and (2);
- (c) Take a marine mammal specified in §218.181(b) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or
- (d) Violate, or fail to comply with, the terms, conditions, and requirements of these regulations or a Letter

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of Authorization issued under §216.106 of this chapter and §218.186.

§218.183 Mitigation.

When conducting RDT&E activities identified in §218.180(c), the mitigation measures contained in this subpart and subsequent Letters of Authorization issued under §§216.106 of this chapter and §218.186 must be implemented. These mitigation measures include, but are not limited to:

(a) *Mitigation Measures for HFAS/MFAS Operations:* (1) Personnel Training: (i) All marine observers onboard platforms involved in NSWCD RDT&E activities shall complete Marine Species Awareness Training (MSAT).

(ii) Marine observers shall be trained in the most effective means to ensure quick and effective communication within the command structure in order to facilitate implementation of mitigation measures if marine species are spotted.

(2) Marine Observer Responsibilities:

(i) On the bridge of surface vessels, there shall always be at least one to three marine species awareness trained observer(s) on watch whose duties include observing the water surface around the vessel.

(A) For vessels with length under 65 ft (20 m), there shall always be at least one marine observer on watch.

(B) For vessels with length between 65–200 ft (20–61 m), there shall always be at least two marine observers on watch.

(C) For vessels with length above 200 ft (61 m), there shall always be at least three marine observers on watch.

(ii) Each marine observer shall have at their disposal at least one set of binoculars available to aid in the detection of marine mammals.

(iii) On surface vessels equipped with AN/SQQ-53C/56, pedestal mounted “Big Eye” (20 x 110) binoculars shall be present and in good working order to assist in the detection of marine mammals in the vicinity of the vessel.

(iv) Marine observers shall employ visual search procedures employing a scanning methodology in accordance with the Lookout Training Handbook (NAVEDTRA 12968-D).